

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Susan F. Milles
fka Susan F. Lacey
Debtor(s)

Bankruptcy Case No.: 17-24444-CMB
Issued Per June 14, 2018 Proceeding
Chapter: 13
Docket No.: 36 – 14, 27
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 17, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,422 as of June 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Montour School District real estate tax at Claim No. 3; Township of Robinson and Montour School District Earned Income Tax at Claim No. 7 .
- ☒ H. Additional Terms: The secured claim of Judy A. Rusnak at Claim No. 1 shall govern as to claim amount, to be paid at the modified plan terms. Trustee shall pay Ditech Financial at Claim No. 5 ongoing post-petition payments per claim. Nothing will be paid on prepetition arrears pending sale of property.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: June 22, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Susan F. Milles
 Debtor

Case No. 17-24444-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 26

Date Rcvd: Jun 22, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 24, 2018.

db +Susan F. Milles, 36 Beaver Grade Road, McKees Rocks, PA 15136-1137
 cr +Township of Robinson/Montour School District, 437 Grant Street, 14th Floor, Frick Building, Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 14735590 +CHASE CARD, PO BOX 15298, Wilmington, DE 19850-5298
 14722973 DITECH FINANCIAL, PO BOX 6176, Rapid City, SD 57709-6176
 14722974 +DITECH FINANCING, FKA GREEN TREE SERVNG, C/O KML LAW GROUP, 701 MARKET STREET, STE 5000, Philadelphia, PA 19106-1541
 14735597 +JUDY RUSNAK, c/o CALAIARO VALENCIK, ATTN: DONALD CALAIARO, ESQUIRE, 428 FORBES AVENUE SUITE 900, Pittsburgh, PA 15219-1621
 14724540 +Judy A. Rusnak, 14 Utz Lane, Coraopolis, PA 15108-3730
 14735598 +MACY DEPARTMENT STORE, PO BOX 8218, Mason, OH 45040-8218
 14735599 +MATR, 4200 CAMPBELLS RUN ROAD, Pittsburgh, PA 15205-1306
 14735600 +MONTOUR SCHOOL DISTRICT, c/o WEISS BURKHARDT KRAMER LLC, 445 FORT PITT BLVD. SUITE 503, Pittsburgh, PA 15219-1308
 14735602 +PEOPLES NATURAL GAS, c/o CREDIT PROTECTION ASSOC., ONE GALLERIA TOWER, 13355 NOEL ROAD SUITE 2100, Dallas, TX 75240-6837
 14732799 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828
 14735604 +STEPHEN M. BRADY FUNERAL HOME, 920 CEDAR AVENUE, Pittsburgh, PA 15212-4894
 14760923 +Township of Robinson/Montour School District, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14735589 +E-mail/Text: bankruptcy@cavps.com Jun 23 2018 01:50:57 CAPITAL ONE, c/o CAVALRY PORTFOLIO SERVICE, 500 SUMMIT LAKE DRIVE SUITE 400, Valhalla, NY 10595-1340
 14735591 +E-mail/Text: bankruptcydpt@mcmcg.com Jun 23 2018 01:50:35 CREDIT ONE BANK, c/o MIDLAND FUNDING, 2365 NORTHSIDE DRIVE SUITE 300, San Diego, CA 92108-2709
 14747279 +E-mail/Text: bankruptcy@cavps.com Jun 23 2018 01:50:57 Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 14735593 +E-mail/Text: bankruptcy.bnc@ditech.com Jun 23 2018 01:50:00 DITECH FINANCIAL LLC, PO BOX 6172, Rapid City, SD 57709-6172
 14735595 +E-mail/Text: kburkley@bernsteinlaw.com Jun 23 2018 01:51:26 DUQUESNE LIGHT COMPANY, C/O PETER J. ASHCROFT, ESQ., 707 GRANT STREET, STE 2200 GULF TOWER, Pittsburgh, PA 15219-1908
 14750003 E-mail/Text: bankruptcy.bnc@ditech.com Jun 23 2018 01:50:00 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154, Rapid City, South Dakota 57709-6154
 14735596 +E-mail/PDF: gecsedirecoverycorp.com Jun 23 2018 01:57:59 JCPENNEY/SYNCB, PO BOX 965007, Orlando, FL 32896-5007
 14753502 +E-mail/Text: bankruptcydpt@mcmcg.com Jun 23 2018 01:50:35 MIDLAND FUNDING LLC, PO BOX 2011, WARREN MI 48090-2011
 14735601 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jun 23 2018 01:50:25 PA DEPARTMENT OF REVENUE, BANKRUPTCY DIVISION, PO BOX 280946, Harrisburg, PA 17128-0946
 14723664 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 23 2018 01:57:28 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14735603 +E-mail/PDF: RACBANKRUPTCY@BBANDT.COM Jun 23 2018 01:58:00 REGIONAL ACCEPTANCE, 5425 ROBIN ROAD SUITE 101, Norfolk, VA 23513-2451
 14768654 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jun 23 2018 02:08:46 Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Ditech Financial LLC
 cr Montour School District c/o Weiss Burkardt Kramer,, 445 Fort Pitt Blvd., Suite 503, Pittsburgh
 cr* +Judy A Rusnak, 14 Utz Lane, Coraopolis, PA 15108-3730
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
 14735592* DITECH FINANCIAL, PO BOX 6176, Rapid City, SD 57709-6176
 14735594* +DITECH FINANCING, FKA GREEN TREE SERVNG, C/O KML LAW GROUP, 701 MARKET STREET, STE 5000, Philadelphia, PA 19106-1541

TOTALS: 2, * 5, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

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User: jhel
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Total Noticed: 26

Date Rcvd: Jun 22, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 24, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 22, 2018 at the address(es) listed below:

Donald R. Calaiaro on behalf of Creditor Judy A Rusnak dcalaiaro@c-vlaw.com,
cvlaw.ecf.dcalaiaro@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-
vlaw.com; mpeduto@c-vlaw.com
James Warmbrodt on behalf of Creditor Ditech Financial LLC bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Township of Robinson/Montour School District
jhunt@grblaw.com, cnoroski@grblaw.com
Laura M. McCurdy on behalf of Creditor Montour School District c/o Weiss Burkardt Kramer,
LLC. lmccurdy@wbklegal.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Russell A. Burdelski on behalf of Debtor Susan F. Milles atyrusb@choiceonemail.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com; srk@sjwpgh.com

TOTAL: 8